

Appl. Serial No. 09/736,354
Atty Dckt No. LSU1-27,721US
AMENDMENT AND RESPONSE

REMARKS

Applicant has carefully reviewed the above-noted Office Action, and herein amends the present Application. Reconsideration and favorable action is respectfully requested.

Claims 16-8, 20-23, 25-27, 37-39, 60-63 and 64-66 are currently pending in the Application, after entry of this Amendment. Claims 19, 24, 28-36, and 50-59 have been withdrawn from consideration.

Applicant has amended pending Claims 20, 23, 25, 37, 38 and 40 to overcome the Examiners objections to these claims set forth in the Office Action and to clear up typographical errors. Claims 49 and 60 were amended to correct typographical errors. Claim 39 was amended to more clearly specify that the second rectifier in series with the first rectifier connect between the first and fourth nodes. Applicant respectfully submits that such amendments made to the claims to overcome 35 U.S.C. §112 rejections and are not being made for reasons of distinguishing the respective claims over the prior art of record. Applicant requests withdrawal of the rejection of the objection to Claims 20-23 and 25, Claim 40 and Claim 44.

Similar amendments were also made to withdrawn Claims 19, 24, 28-36, and 50-59, should the Examiner find removal of the Restriction Requirement appropriate. Applicant notes that these claims are currently withdrawn and are not currently pending in the Application. Applicant respectfully submits that such amendments made to the claims to overcome 35 U.S.C. §112 rejections and are not being made for reasons of distinguishing the respective claims over the prior art of record. Applicant requests that the Examiner reconsider and remove of the restriction requirement, such that the withdrawn Claims 19, 24, 28-36, and 50-59 may be added to the present application and proceed to issuance with the currently pending claims of the Application.

Applicant has amended Claim 16, and added new Claim 64 to overcome the Examiner's rejection based on Scott (U.S. Patent No. 4,969,063) under 35 U.S.C. §102(b). Claim 16 was

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amended, and new Claim 64, set forth the limitations of previous Claim 16, with the additional limitation of the passive network being for a DC circuit, rather than either an AC or DC circuit. Applicant notes that Scott is only operable in AC circuits. Scott includes capacitor C1 in FIG. 2 and capacitors C2 and C3 in FIG. 4, which will block DC power from passing through the control circuit means 28 of Scott. Scott also mentions AC half-cycles in the Specification, at column 2, lines 52-58; column 5, lines 34-57; column 5, lines 38-41 and 60-66; and column 7, lines 23-37. Scott does not disclose a circuit for DC, but instead teaches away from DC by, as noted above, including the capacitors C1, C2 and C3 in each of the circuits to power the control means 28. Applicant requests withdrawal of the rejection of Claim 16, as amended, and allowance of new Claim 64.

Applicant has amended Claim 26 to include limitations directed toward the housing of Claim 26 being a separate housing from the circuit breaker housing. Applicant has also incorporated the limitations of previous Claim 16, such that Claim 26 is not in independent form, except for inclusion of the recitation of "in an AC or DC circuit, for positive or negative ground," as discussed below in reference to Claims 20-23 and 25. As shown in FIGS. 45 and 49 of the present application, the housings 515 and 575 in which the circuit of Claim 26 are housed, are separate from the housings for the circuit breakers 514 and 574, respectively. The circuit breakers 514 and 574 plug into respective ones of the housings 515 and 575, and are separately removable therefrom. Scott differs from the present invention, in that, as shown in FIG. 1 of Scott, the circuit breaker, the actuator and control circuits are all in the same housing 10. The housing 10 of Scott is directly connected into a panel by contact T1, and is not connected through the control circuit means 28 to a panel. Applicant requests reconsideration and withdrawal of the rejection of Claim 26.

Applicant respectfully traverses the rejection of Claim 27. Claim 27 depends from Claim 26, and incorporates the limitations of Claim 26, as amended. Applicant respectfully submits for the Examiner's consideration that the housing of the circuit breaker 10 of FIG. 1 of Scott is not of an L-shaped profile, as compared to the housings 515 and 575 in FIGS. 45 and 49 of the present application. Applicant requests reconsideration and withdrawal of the rejection of Claim 27.

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Applicant respectfully traverses the rejection of Claims 17 and 18 under 35 U.S.C. §102(a) based on Scott in combination with Mackenzie (U.S. Patent No. 5,546,266). Claims 17 and 18 depend from amended Claim 16, incorporating each of the limitations of Claim 16 therein. Since Claim 16 is allowable, Claims 17 and 18 would be allowable as depending from Claim 16. Applicant requests reconsideration and allowance of Claims 17 and 18.

The Examiner had previously objected to Claims 20-23 and 25 as being dependent upon a rejected base claim, Claim 16. Applicant has amended Claims 20 and 25 to incorporate the limitations of prior Claim 16, which was not limited to only DC circuits. In incorporating the limitations of prior Claim 16 into Claims 20 and 25, as well as Claim 26 discussed below, applicant removed the recitation of "in an AC or DC circuit, for positive or negative ground." The currently amended Claims 20, 25, and 26 are not limited to either AC or DC circuits, or positive or negative ground. Claims 21-23 depend from Claim 20, and incorporate the limitations of Claim 20, as discussed above, and thus are now allowable. Applicant requests reconsideration and removal of the objection to Claims 20-23 and 25.

Applicant thanks the Examiner for allowance of Claims 37-49, and 60-63.

Applicant requests a telephone interview with the Examiner should the Examiner not find the present application in condition for allowance, and requests that the Examiner contact Applicant's attorney listed below to arrange an appropriate time to discuss any substantive issued pending in the Application after entry and consideration of this Amendment.

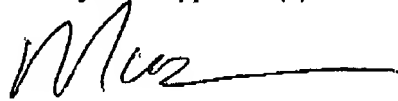
Applicant has now made an earnest attempt to place the application in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended and that the Application proceed to issuance.

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The U.S. Patent & Trademark Office is hereby authorized to charge any fees due or credit any overpayments to Deposit Account No. 502112/LSUI-27,721US for the firm CHAUZA & HANDLEY, L.L.P.

Respectfully submitted,

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